

**Montana Department
of
Fish, Wildlife & Parks**



Region One
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501
FAX: 406-257-0349
Ref:DV156-97
October 17, 1996

Dear Interested Parties:

Thank you for your comments on the Wassink Zoo/Menagerie.

I am enclosing the Final Environmental Assessment (EA) Checklist and the Decision Document for the **Wassink Zoo/Menagerie**. Your questions and comments have been addressed in both documents. Specific responses to your written comments are included in the Decision Document.

Again, thank you for taking the time to express your views.

Sincerely,

Dan Vincent
Regional Supervisor

/nb

Flathead

Montana Fish, Wildlife & Parks
1420 E 6th Ave, PO Box 200701 Helena, MT 59620-0701
(406) 444-2452

ENVIRONMENTAL ASSESSMENT CHECKLIST

Fur Farm, Game Bird Farm, Zoo/Menagerie, Shooting Preserve

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: _____

Application Date: 6/8/96

Name, Address and Phone Number: Jan Wassink

2570 Airport Rd.

Kalispell, MT 59901

Project Location: 2570 Airport Rd., Kalispell, MT 59901

Description of Project:

Applicant currently has a fur farm license and he would also like to raise and keep in captivity red foxes, raccoons, and short tail weasels for photography purposes. Applicant would also like to add porcupines to his previous list of animals.

Other groups or agencies contacted or which may have overlapping jurisdiction:

Department of Livestock
Department of Health
USDA - Animal Welfare

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below Or On Attached Pages
1. Unique, endangered, fragile, or limited environmental resources				x		
2. Terrestrial or aquatic life and/or habitats				x		
3. Introduction of new species into an area			x		Yes	3a.
4. Vegetation cover, quantity & quality				x		
5. Water quality, quantity & distribution (surface or groundwater)				x		
6. Existing water right or reservation				x		
7. Geology & soil quality, stability & moisture				x		
8. Air quality or objectional odors				x		
9. Historical & archaeological sites				x		
10. Demands on environmental resources of land, water, air & energy				x		
11. Aesthetics				x		

Comments

3a. All of the animals are indigenous to the local area. As long as the animals are maintained in good health and the fence and cage structures are not compromised, the potential for species escaping into the wild or spreading disease to wild populations is insignificant.

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below Or On Attached Pages
1. Social structures and cultural diversity				x		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				x		
3. Local and state tax base and tax revenue				x		
4. Agricultural production				x		
5. Human health				x		
6. Quantity & distribution of community & personal income				x		
7. Access to & quality of recreational activities				x		
8. Locally adopted environmental plans & goals (ordinances)				x		
9. Distribution & density of population and housing				x		
10. Demands for government services				x		
11. Industrial and/or commercial activity				x		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?

The applicant currently has a fur farm license, and a raccoon and a red fox in captivity. There are no known impacts, recognized in the EA, with the possession of these animals.

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

None.

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

Alternative 1 - issue the permit with or without stipulations.

Alternative 2 - deny the permit.

Alternative 3 - take no action on the proposal.

List proposed mitigative measures (stipulations) for license:

1. Applicant must immediately report to FWP the escape or accidental release of any animal.
2. Applicant's permitted animals may be sold or transferred to another licenced facility; they may not be released into the wild.
3. Applicant must maintain health records for each permitted animal. These records must be readily available for inspection.
4. Applicant must submit plan for emergency evacuation and care of all animals in the event of a fire or natural disaster.
5. All animals possessed in this facility must be obtained from private sources.

Individuals or groups contributing to, or commenting on, this EA:

Wildlife Division (Helena)

EA prepared by: Game Warden Brian Sommers

Date Completed: September 30, 1996

PART 3. DECISION

Recommendation and justification concerning preparation of EIS:

None. No impacts are expected, this application is only an addition to an existing fur farm facility.

Describe public involvement, if any:

Notification by mail with 30 days comment period.
Legal Notice in local newspaper.
State Bulletin Board
FWP News Release

Recommendation for license approval:

Harvey E. J. 10/8/96
Wildlife Manager Date

K. R. Brook 10-8-96
Warden Captain Date

REF:WASSINK.EA

WASSINK ZOO MENAGERIE
DECISION DOCUMENT
OCTOBER 6, 1996

PROPOSED MENAGERIE APPLICATION

The Montana Fish, Wildlife and Parks (FWP) received an application for a Zoo/Menagerie permit from Jan L. Wassink, 2570 Airport Rd., Kalispell, MT 59901 on June 12, 1996. FWP accepted the original application initiating a formal review process which resulted in the completion of a Draft Environmental Assessment (EA).

Jan Wassink proposed to raise and keep in captivity red foxes, raccoons, and shorttail weasels for photography purposes.

THE MONTANA ENVIRONMENTAL POLICY ACT PROCESS (MEPA)

Pursuant to MEPA, FWP is required to assess the impacts of the proposed action to the human environment. FWP completed a Draft EA of the proposed menagerie on August 26, 1996. During this process, it was determined that a full Environmental Impact Statement would not be required. The Draft EA was distributed to the Montana Environmental Quality Council, Montana Department of Environmental Quality, Montana Historical Society, Montana State Library, Montana Department of Livestock, FWP Regional Offices, Flathead County Commissioners, Flathead County Library, and interested individuals. FWP had a legal notice regarding this proposal printed in the local newspaper. Requests for comments on this Zoo/Menagerie were also published in the State Bulletin Board and the Region's News Release. The 30 day public comment period began August 26 and closed September 26, 1996. No public hearing was held.

ISSUES OF CONCERN IN THE EA

The EA process identified no significant environmental impacts. Minor impacts will be mitigated. Most issues raised in public comments are addressed in various ARM Rules and statutes specific to roadside menageries. Local ordinances will not be violated by the proposed action. Federal and state laws governing the operation of the business must be complied with.

SUMMARY OF PUBLIC RESPONSES

A total of five (5) written comments were received on this EA. All the comments were opposed to the proposed zoo/menagerie operation. Many issues were raised by those commenting on the proposed zoo/menagerie. Concerns cited include: Public health and safety, the ethics of confining animals adapted to the wild, disease transfer to domestic and wild animals, genetic pollution of wild populations, public misinterpretation of the animals being confined and used for photography purposes, and sending the public the wrong image of wildlife.

Flathead

SPECIFIC RESPONSE TO COMMENTS

Following is a list of the comments received from the public and FWP's response:

1. Issue: "Plans for disaster evacuation or escape contingencies are inadequate."

Response:

Prior to issuance of a permit, the licensee must submit a plan for the emergency evacuation and care of all animals in the event of a fire or natural disaster.

2. Issue: "Concern about the lack of regulation governing zoo/menagerie situations which would assure the health and welfare of the animals being considered for exhibit. Also concerned with stress and hardship on the animals kept in captivity."

Response:

The Montana State Legislature authorized the operation of roadside menageries (87-4-807 MCA). Arm Rule 12.6.1304 requires that animals kept in menageries be handled in a humane manner and kept free from parasites, sickness, and disease. The cages will be inspected and approved prior to use. USDA APHIS (Animal Plant Health Inspection Service) regulates the handling and care of animals under the Federal Animal Welfare Act.

3. Issue: "Increased risk to wild populations as a result of game farm animals escaping thereby spreading disease, reducing genetic integrity and increase risk of hybrids, and the spread of disease through airborne pathogens."

Response:

Caged animals must be kept free of parasites, sickness or disease as required by ARM Rule 12.6.1304. A designated veterinarian should be chosen to look after the care of the animals on a scheduled routine basis. In addition, cage requirements must be sufficient to prevent escape, as required in ARM 12.6.1302.

4. Issue: "Increased risks of wild animals being captured to provide stock for the zoo/menagerie operation, and increases the risk in the illicit trade of captive bred and wild animals."

Response:

These concerns are best addressed in ARM rules 12.6.1306 and 12.6.1307. all animals retained at a roadside zoo or menagerie shall have been secured in a lawful manner. Evidence of such legal possession shall be kept on the premises for each animal in the operation. Only those animals obtained through the applicants fur farm license can be propagated, traded, sold, exchanged, or donated under the authority of the applicant's fur farm license.

5. Issue: "Sends the wrong message to the general public about conservation of wild animals and in general gives the public the wrong image of wildlife."

Response:

The Montana State Legislature does not require a positive educational value or image, in regards to keeping captive reared animals in captivity or the conservation issues of wild animals, as being necessary for the day-to-day operations of a zoo/menagerie. ARM 12.6.1305 does require that all animals have an identifying sign or label on their perspective cages, and ARM 12.6.1302 provides that an effective barrier be constructed around the cages in order to safeguard the public and the animals from injury.

6. Issue: "There is an inherent public health and safety issue in terms of injury and disease transmission to humans."

Response:

These concerns are best addressed through cage and fence requirements. ARM Rule 12.6.1302 requires that wild animals be confined at all times in cages of such strength and type that it will be impossible for animals to escape. It also states that an effective barrier must be constructed on the side where the public may approach to safeguard the public from injury and prevent contact between the animals and the public. All gates and doors in cages and fences must be padlocked. Prior to issuance of a license, all cages and fences must pass FWP inspection. All permitted animals under the zoo/menagerie license may only be sold or transferred to another licensed facility; they may not be released into the wild. Prior to importation into Montana, all animals must have a health certificate and import permit from the Department of Livestock.

7. Issue: "Concern arises over the proposed purpose of photographing these captive animals and the image it portrays to the public, i.e. false portrayal of the animal, and how the photographs were obtained. Concern also arises over the photographic pressure that can be placed on wild populations through misinterpretation of the captive animal photographs."

Response:

The Montana State Legislature does not address the photographing of captive animals in a zoo/menagerie operation. They also do not address the increased pressure placed on wild animals populations by people pursuing these wild animals in order to obtain pictures. While it is true that the zoo/menagerie operation has the potential for creating numerous impacts, it is FWP's determination that these impacts will be minor if all regulations and stipulations are met. Failure to comply with requirements may result in the loss of the permit to operate the zoo/menagerie. Periodic inspections of the facilities will be used to ensure the maintenance of the cages and to alleviate problems before they arise.

THE DECISION AND STIPULATIONS

The Licensee must be in compliance with all statutes and rules pertaining to zoo menageries. Animals must be obtained from legal sources and be identified as required by law. After reviewing this application, the draft EA, and public comments, I approve issuing a license with the following stipulations:

1. The Licensee must immediately report to FWP the escape or accidental release of any animal.
2. The Licensee may only sell or transfer permitted animals under the zoo/menagerie license to another licensed facility; they may not be released into the wild.
3. The Licensee must maintain health records for each permitted animal. These records must be readily available for inspection.
4. The Licensee must submit a plan for the emergency evacuation and care of all animals in the event of a fire or natural disaster.
5. All animals possessed in this facility must be obtained from legal private sources.

for *Dan Collins (acting Supt)* 10/10/96
Daniel P. Vincent Date
Regional Supervisor

Jan L. Wassink
License Applicant

Date